

#### REMARKS

This Amendment is in response to the Examiner's Amendment in the Supplemental Notice of Allowability. The Applicant respectfully requests entry of an amendment under 37 C.F.R. section 1.312 in order to address typographical and grammatical corrections of a minor nature.

The claim language was clarified in several of the claims to improve the consistency with which the video encoder is described in individual claims. For example, claim 7 was amended to use exactly the same language of "adjustable software video encoder program" as in claim 1.

Claim 15 was amended to delete an obvious typographical error regarding an extraneous semicolon.

Minor grammatical corrections were made to several of the computer readable medium claims to improve their readability. The dependent claims of several of the independent computer readable medium claims recite "encoding levels" (plural). Several of the independent computer readable medium claims were thus amended to more closely track the language in their method claim counterparts, which recite that there are a plurality of encoding levels. For example, claim 21 was amended to more precisely match the grammatical language of claim 1 that there are encoding levels (plural). Claims 35 and 36 were similarly amended to more closely match the grammar of their respective method claim counterparts that there are "encoding levels." This amendment improves readability in regards to dependent claims that recite "encoding levels" and introduces no new matter or substantive issues for consideration.

In addition, please note that Applicant has amended paragraph [0053] to insert a space after "monotonic" and before "(i.e.,  $\bar{E}_{n,i} \geq \bar{E}_{n-1,i}$ )." Paragraph [0055] was amended to add a period.

The Commissioner is hereby authorized to charge any appropriate fees to Deposit Account No. 50-1283.

Dated: June 16, 2009

COOLEY GODWARD KRONISH LLP  
ATTN: Patent Group  
777 6<sup>th</sup> Street, NW  
Suite 1100  
Washington, DC 20001

Tel: (650) 843-5625

Respectfully submitted,  
**COOLEY GODWARD KRONISH LLP**

By:



---

Edward Van Gieson  
Reg. No. 44,386